

## Schena, Cristeen

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**From:** Brandon.M.Kernen@des.nh.gov  
**Sent:** Thursday, March 16, 2023 5:02 PM  
**To:** Downing, Jane  
**Subject:** FW: Epping WWTP Surcharge into Lamprey River - Inquiry from NHDES - Brandon Kernen, Administrator - Drinking Water & Groundwater Bureau

A more technical letter from their consultant is being prepared over the next two weeks. They anticipate a meeting with EPA and NHDES on April 20th

Brandon Kernen, Administrator - Drinking Water & Groundwater Bureau | NHDES | 603 271 1168 (o) | 603 677 2478 (c)

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**From:** Todd Selig <tselig@ci.durham.nh.us>  
**Sent:** Thursday, March 16, 2023 4:59 PM  
**To:** Kernen, Brandon <Brandon.M.Kernen@des.nh.gov>  
**Cc:** Richard Reine <rreine@ci.durham.nh.us>; April Talon <atalon@ci.durham.nh.us>; William Janelle <william.janelle@unh.edu>; mike.mason@unh.edu; Adam Kohler <Adam.kohler@unh.edu>; Rob Little <rlittle@woodardcurran.com>; Jake Kritzer <jake.kritzer@gmail.com>  
**Subject:** Re: Epping WWTP Surcharge into Lamprey River - Inquiry from NHDES - Brandon Kernen, Administrator - Drinking Water & Groundwater Bureau

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Dear Brandon,

Thank you very much for your call from earlier today.

First, let me convey that we really appreciate your follow up and the flexibility of NHDES in working with Durham/UNH on withdrawal issues and logistics over the course of the coming extended period while Epping works to resolve significant and likely unprecedented wastewater processing and environmental-related surcharge challenges within the Lamprey River and Great Bay Watershed.

We recently provided an update to Durham's Town Council regarding Epping's ongoing surcharge into the Federally designated Wild and Scenic Lamprey River. Councilors were understandably very concerned, as is/are, increasingly so, our Conservation Commission, and Durham citizens in general.

Town Councilors wanted to better understand the operational impacts to Durham/UNH, as well as general regional environmental impacts, resulting from Epping's many WWTP deficiencies including, among others: apparent lack of ongoing investment in the Epping plant; apparent lack of long-term wastewater facilities planning; apparent inadequate WWTP staffing; perceived inadequate ongoing technical assistance/expertise at the Epping plant; perceived lack of coordination between and amongst local governing boards/bodies overseeing the Epping WWTP; all resulting in general operational Epping WWTP failures leading to long-term, partially treated, primary wastewater surcharge (with some level of chlorination) into the Lamprey River and Great Bay Watershed during cold weather/winter conditions.

Our Team locally has raised concern about environmental implications to flora and fauna within the Lamprey River, human recreational impacts (fishing, swimming, kayaking), impacts to private wells along the tributary, and impacts to the Great Bay Estuary.

Candidly in Durham and at UNH, we are struggling to understand how it is possible that Epping is not in overt violation of their EPA permits on a daily basis dating to the failure of the system last winter (2021/22). How can a winter(s)-long wastewater surcharge resulting from apparent long-term deferred maintenance and inadequate investment/planning, using unproven technology, not be an ongoing violation eliciting significant EPA penalties, financial and otherwise? We struggle to understand how Epping can possibly be meeting water quality or nitrogen reduction targets, which has impacts not only on the Lamprey River, but on the Great Bay Estuary, which we are working diligently in Durham and at UNH -- not only to protect -- but to restore.

As noted above, Durham has concerns about impacts to wildlife within the river and the possibility of hazards to humans recreating, particularly as warmer weather approaches. This is because Epping WWTP operators have shared with Durham and NHDES that they have concerns surcharging may be necessary year-round due to the ongoing deterioration of the failed and untested filter system now in operation there.

As I mentioned in our conversation today, while we will be following up with a more detailed and technical letter to EPA (with copies to NHDES and Epping) in the next couple of weeks concerning the Epping situation, I will succinctly outline basic concerns in non-technical terms below:

- Impacts (cost/operational/water quality) to the UNH/Durham Water Treatment Plant;
- Impacts to the resiliency of the Durham/UNH water system;
- Implications for our Spruce Hole well/aquifer, which Durham/UNH rely upon for water reserve during low-flow/in-stream flow restriction periods in the late-summer/fall when 12,000 UNH students return to campus;
- Inability to recharge the Spruce Hole aquifer during typical periods of plentiful flow due to potential ongoing year-round Epping wastewater surcharge;
- Possible future negative perception that Durham/UNH water customers will be drinking untreated, surcharged Epping wastewater;
- Impacts to the Lamprey's riverine ecosystem (plants, wildlife, wetlands, etc.);
- Impacts to community boat launch areas along the Lamprey;
- Impacts to recreation and human fish consumption;
- Impacts to private wells along the Lamprey River;
- Concern about potential chlorine-related fish kills within the Lamprey during summer low flow (and other) conditions;
- Apparent disregard on the part of Epping relative to that community's impact upon a Federally designated Wild and Scenic River and downstream communities/river users, as well as the UNH/Durham public water system;
- Perceived lack of communication, coordination, and planning between the governing body and sewer commissioners in Epping;
- News that Epping's chief wastewater operator has just tendered his resignation;
- Impacts to the Great Bay Estuary in terms of nitrogen and other untreated materials polluting/entering the watershed at cross purposes with the Great Bay Total Nitrogen General Permit;
- While we understand Epping is not allowing new development to connect to its wastewater system at this time, it apparently is allowing new potential largescale development via use of septic systems, which is not an environmentally preferred development strategy. Long-term, septic systems generally result in additional impacts to the watershed through failures, and the environmental impacts can similarly be long-term.

It is our perspective that unless EPA, working in concert with NHDES, together take a hard line with definitive deadlines and meaningful monetary penalties for non-compliance, that the ongoing unprecedented conditions in Epping will continue for many years. Epping residents, taxpayers, and sewer customers must be made to clearly understand that unless they remedy this untenable situation in an expedited manner approved by EPA using proven technology, there will be significant fines/monetary damages imposed by EPA, and that new economic development will be predicated entirely upon a fully functioning and permit compliant Epping WWTP.

All my very best,

Todd

Todd I. Selig, Administrator

Town of Durham, NH

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he/him pronouns

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**From:** Kernen, Brandon <[Brandon.M.Kernen@des.nh.gov](mailto:Brandon.M.Kernen@des.nh.gov)>

**Date:** Thursday, March 16, 2023 at 11:28 AM

**To:** Todd Selig <[tselig@ci.durham.nh.us](mailto:tselig@ci.durham.nh.us)>

**Subject:** NHDES - Brandon Kernen

Brandon Kernen, Administrator - Drinking Water & Groundwater Bureau | NHDES | 603 271 1168 (o) | 603 677 2478 (c)